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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,634	10/08/2003	Prakash Parayil Mathew	138065UL (MHM 15115US01)	6101
23446	7590	02/08/2006	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			RAMIREZ, JOHN FERNANDO	
			ART UNIT	PAPER NUMBER
			3737	

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/681,634	Applicant(s) MATHEW, PRAKASH PARAYIL	
	Examiner John F. Ramirez	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/08/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-5, 8-15, 17-21, 23-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Smith (US 2004/0249673).

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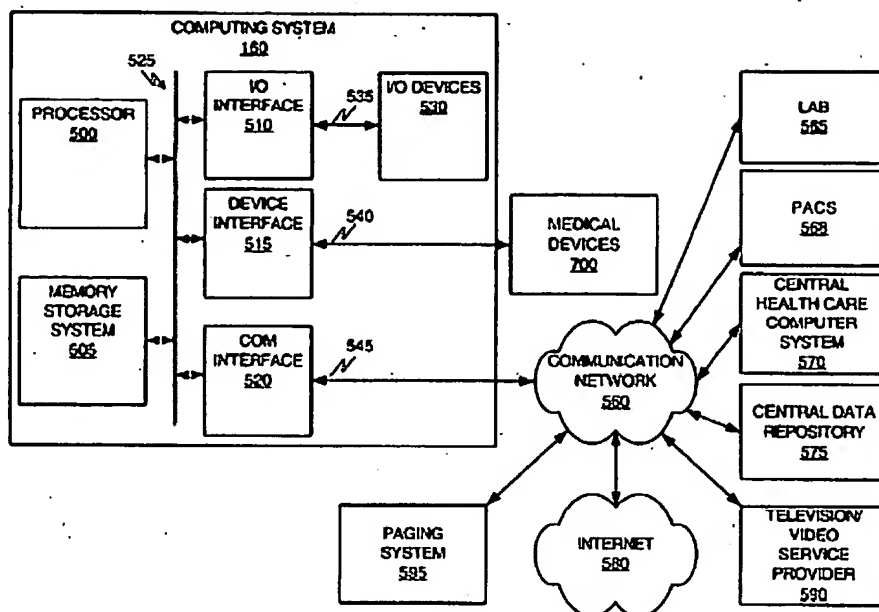


FIG. 5

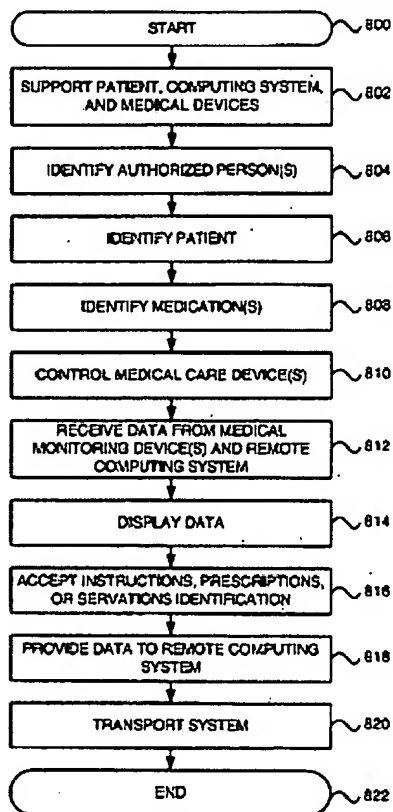


FIG. 8

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Smith shows in figures 5 and 8, an imaging system comprising: a central processing unit; a data storage unit in communication with said central processing unit; an imaging device in electrical communication with said central processing unit; and a biometric authorization unit in electrical communication with said central processing unit, wherein a user inputs a biometric identifier into said biometric authorization unit in order to enable use of the imaging system (paragraph 0063), wherein biometric data extracted from the biometric identifier is compared with stored biometric data in said data storage unit, wherein the stored biometric data is associated with stored personal identification information, and wherein the stored biometric data and the stored personal identification information are stored after an initial registration, wherein user preference information is associated with the stored biometric data and with the personal identification information, wherein use of the imaging system is allowed when a match exists between the biometric data extracted from the biometric identifier and the stored biometric data, wherein information regarding the use of the imaging system by the user is stored in said data storage unit, wherein the biometric identifier is at least one of a fingerprint, handprint, voice, iris, retina, and facial thermogram (paragraph 0021), wherein the medical imaging system is networked into at least one other imaging system, a medical imaging network comprising a plurality of medical imaging systems in communication with one another, each of said medical imaging systems comprising: a medical imaging device; and a biometric authorization unit, wherein a user inputs a biometric identifier into said biometric authorization unit in order to use the medical imaging device, further comprising a central management station in communication with each of said plurality of

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medical imaging systems, wherein biometric data extracted from the biometric identifier is stored in at least one of a central data storage unit in said central management station and individual data storage units in said plurality of imaging systems, wherein use information, including at least one of user identity, time, and length of an imaging session at each of said plurality of imaging systems is stored within at least one of said central management station and any of said plurality of imaging systems, wherein a user initially registers at one of said central management station and one of said plurality of imaging systems, wherein personal identification information and user preference information is associated with the stored biometric data, wherein the biometric identifier is at least one of a fingerprint, handprint, voice, iris, retina, and facial thermogram, a method of using a medical imaging system comprising: registering to use the medical imaging system, said registering comprising: (i) inputting a biometric identifier into a biometric authorization unit; (ii) inputting personal information into the medical imaging system; and (iii) associating biometric data extracted from the biometric identifier with the personal information; and storing the biometric data and associated personal information; enabling use of the medical imaging system when biometric data input at the biometric authorization unit matches stored biometric data, further comprising storing individual imaging preferences for the medical imaging system as user preference information and associating the user preference information, further comprising allowing said registering step by inputting a password, wherein the biometric identifier is at least one of a fingerprint, handprint, voice, iris, retina, and facial thermogram, a method of using audio/video equipment comprising: registering to use

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the audio/video equipment by inputting biometric data; storing the biometric data; and enabling use of the audio/video equipment when biometric data input after said registering matches the stored biometric data (paragraph 0064-0065), further comprising restricting access to said registering step by requiring submission of a password (paragraph 0064), wherein the audio/video equipment is a medical imaging system comprising one of an ultrasound, Computed Tomography (CT), X-ray, Positron Emission Tomography (PET), Single Photon Emission Computed Tomography (SPECT), Electron Beam Tomography (EBT), Magnetic Resonance (MR), and image-guided surgery system (paragraph 0067), wherein the audio/video equipment is one of a television, camera, CD player, DVD player, and car stereo (paragraph 0065).

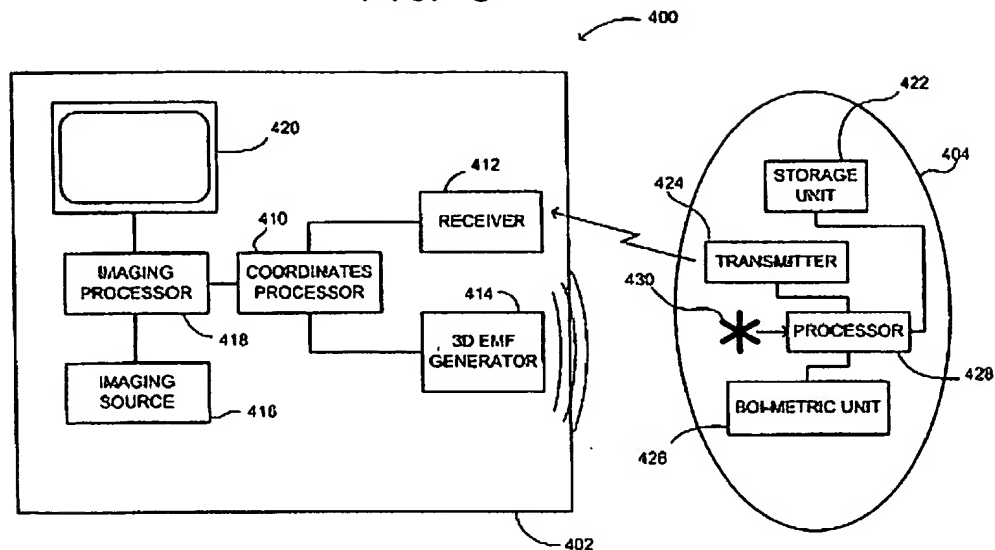
Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 16, 17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Strommer et al. (US 6,233,476).

FIG. 5



Smith teaches all the limitations of the claimed subject matter except for mentioning specifically an imaging system, wherein the imaging device is an ultrasound probe and the imaging system is an ultrasound imaging system, wherein the imaging system is a medical imaging system including one of a Computed Tomography (CT), X-ray, Positron Emission Tomography (PET), Single Photon Emission Computed Tomography (SPECT), Electron Beam Tomography (EBT), Magnetic Resonance (MR), and image-guided surgery system, wherein the medical imaging network is at least one of said plurality of imaging devices is an ultrasound probe, and the medical imaging network, wherein each of said plurality of imaging systems is one of a Computed Tomography (CT), X-ray, Positron Emission Tomography (PET), Single Photon Emission Computed Tomography (SPECT), Electron Beam Tomography (EBT), system. Magnetic Resonance (MR), and image-guided surgery system.

However, an imaging system wherein the imaging device is an ultrasound probe and the imaging system is an ultrasound imaging system, wherein the imaging system

is a medical imaging system including one of a Computed Tomography (CT), X-ray, Positron Emission Tomography (PET), Single Photon Emission Computed Tomography (SPECT), Electron Beam Tomography (EBT), Magnetic Resonance (MR), and image-guided surgery system is considered conventional in the art as evidenced by the teachings of Strommer et al. in figure 5.

Based on the above observations, for a person of ordinary skill in the art, modifying the system disclosed by Smith, with the above discussed enhancements would have been considered obvious because such modifications would have enhanced the capabilities of the system, resulting in a safer operating environment.

Conclusion

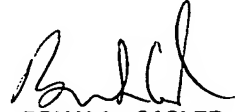
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John F. Ramirez whose telephone number is (571) 272-8685. The examiner can normally be reached on (Mon-Fri) 7:30 - 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JFR
02/03/06


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